

REMARKS

Claims 1-46 are pending in the above-referenced patent application. In this response, claims 1-20 have been amended, claims 23-46 have been added and no claims have been cancelled. It is respectfully submitted that there is adequate support in the specification for new claims 23-46, and these new claims do not introduce any new matter. For example, support for the new claims may be found at least from page 5, line 13 to page 8 line 2 and Fig. 1.

In the Office Action, mailed June 17th, 2005, the Examiner rejected claims 1-22 under 35 U.S.C 103(a) as being unpatentable over Hartmaier (U.S. Patent No. 6,553,022), in view of Leon (U.S. Patent No. 6,680,923) or Langseth et al. (U.S. Patent No. 6,694,316). This rejection by the Examiner is respectfully traversed.

The Examiner concedes that Hartmaier is lacking at least one element of the rejected claims. According to the Examiner, "Hartmaier fails to teach the possibility of providing Internet telephony and still implement revenue sharing." Although Assignee does not necessarily agree with the Examiner's characterization of the rejected claims or the cited art, it is respectfully submitted that neither Leon nor Langseth make up for the deficiency of Hartmaier in meeting the limitations of the claims. As just an example, Hartmaier does not show or describe "at the server, determining a payment associated with an account associated with an operator of the access point, wherein the determining is based, at least in part, on the provided statistical data." As recited in claim 1.

The cited portions of Hartmaier describe a revenue sharing process wherein an internet service provider may share revenue with a telephone company carrier. Hartmaier describes in generalities revenue sharing in the context of ISP and telephone company carriers, and does show or describe at least the above-noted limitations of claim 1, as amended.

Additionally, neither Leon nor Langseth show or describe at least one element of claim 1, as amended. Leon is directed toward wireless communication networks, and describes revenue sharing as a general concept in column 4 line 17 to column 4 line 33. Additionally, Langseth is directed toward delivery of personalized electronic information, and describes subscriptions to

such services. Neither of these cited patent show or describe at least the above-noted limitations of claim 1, as amended.

Assignee respectfully submits that because none of Hartmaier, Leon or Langseth show or describe at least one element of claim 1, as amended, a prima facie case of obviousness has not been established. Therefore, claim 1, as amended, is in a condition for allowance. It is noted that many other bases for traversing the rejection could be provided, but Assignee believes that this ground is sufficient. It is, therefore, respectfully requested that the Examiner withdraw the rejection of claim 1. Additionally, claims 2-46 are in a condition for allowance at least for the reasons presented above with reference to claim 1. It is, therefore, respectfully requested that the Examiner withdraw his rejection to these claims also.

CONCLUSION

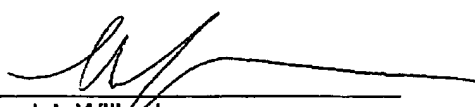
In view of the foregoing, it is respectfully submitted that all of the claims pending in this patent application, as amended, are in condition for allowance. If the Examiner has any questions, he is invited to contact the undersigned at (503) 439-6500. Reconsideration of this patent application and early allowance of all the claims is respectfully requested.

Please charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account number 50-3130.

Respectfully submitted,

Dated: _____

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